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10 Attorneys for SLF Fire Victim Claimants
11

12 UNITED STATES BANKRUPTCY COURT

13 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

14 In re
15 PG&E CORPORATION,
16 and,
17 PACIFIC GAS & ELECTRIC COMPANY,
18 Debtors.

19 Affects:

- 20 ☐ PG&E Corporation
21 ☐ Pacific Gas & Electric Company
22 ☒ Both Debtors

23 * All papers shall be filed in Lead Case,
24 No. 19-30088 (DM).

Case No. 19-30088 (DM)

Chapter 11

(Lead Case Jointly Administered)

MOTION FOR ORDER APPROVING
STIPULATION BETWEEN DEBTORS,
AND SLF FIRE CLAIMANTS RE:
GRANTING RELIEF FROM STAY TO
JOIN INDISPENSABLE PARTIES RE:
TUBBS TRIAL; DECLARATION OF
RICHARD A. MARSHACK IN SUPPORT

Hearing:

Date: TBD
Time: TBD
Ctroom; Courtroom 17, 16th Floor
Place: United States Bankruptcy Court
San Francisco, CA 94102

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1 TO THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY COURT
2 JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE AND ALL INTERESTED
3 PARTIES:

4 The SLF Claimants¹ respectfully submit this motion (“Motion”) for entry of an order
5 approving the stipulation (“Stipulation”)² entered in to between PG&E Corporation (“PG&E Corp.”)
6 and Pacific Gas and Electric Company (“Utility”), as debtors and debtors-in-possession
7 (collectively, “PG&E” or the “Debtors”) and the SLF Claimants. In support of this Motion, the SLF
8 Claimants respectfully represents as follows:

9 **1. Summary of Argument**

10 Relief from stay may be granted to try mass tort personal injury claims when abstention
11 would promote settlement, when liability is at issue, and determination of the claims are in the public
12 interest. In this case, the court has recently granted relief from stay for certain preference plaintiffs,
13 indispensable parties and respective insurers to proceed towards a trial with respect to the Tubbs
14 Fire. Unfortunately, certain indispensable parties were inadvertently not included in the relief
15 requested. By this motion, SLF Claimants seeks approval of the Stipulation with the Debtors that
16 allows those specific indispensable parties to be granted relief from stay to proceed in any Tubbs
17 Fire litigation.

18 **2. General Procedural Background**

19 On January 29, 2019, PG&E Corporation and Pacific Gas and Electric Company (“Debtors”
20 or “PG&E”) commenced with the Court voluntary cases (“Chapter 11 Cases”) under chapter 11 of
21 the United States Code (“Bankruptcy Code”). PG&E’s chapter 11 filings were necessitated by a
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23 ¹ Singleton Law Firm (“SLF”) and Marshack Hays LLP, together with several other firms, represent
24 approximately 5,500 victims of the fires started by PG&E Corporation (“PG&E”) and/or Pacific Gas and
25 Electric Company (“PGE Company,” collectively with PG&E the “Debtors”) in 2015 (“Butte Fire”), 2017
26 (the twenty fires generally referred to as the “North Bay and Wind Complex Fires”) and 2018 (“Camp Fire”).
The claimants represented by SLF, Marshack Hays LLP and other firms are jointly referred to as the “SLF
Claimants.”

27 ² A true and correct copy of the Stipulation is attached as Exhibit “1” to the Declaration of Richard A.
Marshack (“Marshack Declaration”).

1 confluence of factors resulting from catastrophic fires that occurred in Northern California prior to
2 the Petition Date, and PG&E's potential liabilities arising therefrom. *See* Amended Declaration of
3 Jason P. Wells in Support of First Day Motions and Related Relief (Dkt. No. 263) ("Wells Decl."),
4 at 3. PG&E contends that it is not at fault for the 2017 Tubbs Fire. *Id.* at 13-14.

5 Since, the Debtors continue to operate their businesses and manage their properties as
6 debtors in possession pursuant to 11 U.S.C. §§ 1107(a) & 1108, the Debtors' Chapter 11 Cases are
7 being jointly administered for procedural purposes only pursuant to Rule 1015(b) of the Federal
8 Rules of Bankruptcy Procedure ("FRBP"). On February 12, 2019, the United States Trustee (the
9 "U.S. Trustee") appointed an Official Committee of Unsecured Creditors (the "Creditors
10 Committee"). A torts claimants committee has also been formed ("TCC").

11 Notably, none of the SLF Claimants are members of the TCC.

12 **3. Background Facts relevant to the instant Motion and the SLF**
13 **Indispensable Parties**

14 On July 2, 2019, as Dkt. No. 2842,³ the TCC filed a motion ("TCC Motion") pursuant to
15 Section 362(d)(1) of title 11 of the United States Code ("Bankruptcy Code"), §§ 1334(c) and
16 1452(b) of title 28 of the United States Code, FRBP 4001 and 5011(b) and Rule 4004-1 of the
17 Bankruptcy Local Rules for the United States District Court for the Northern District of California
18 ("LBR"). The Motion sought entry of an order terminating the automatic stay to permit certain
19 individuals to proceed to a jury trial on their personal injury and property damage claims against the
20 Debtors arising from the 2017 Tubbs Fire in the California Superior Court, and to request the Court
21 in the California North Bay Fire Cases, JCCP 4955, to order the claims of those individuals to
22 proceed to a jury trial with preference pursuant to Code of Civil Procedure § 36. On July 9, 2019, as
23 Dkt. No. 2904, the TCC filed an amendment to the Motion to include a number of individuals with
24 personal injury, wrongful death and property damage claims. ("TCC Preference Plaintiffs").

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27 ³ Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the
28 Motion.

1 The following joinders were filed to the Motion:

2 (1) the joinder by Co-Lead Counsel to the North Bay Fire Cases, dated July 2, 2019 (Dkt.
3 No. 2850);

4 (2) the joinder by Barbara Thompson, John Thompson, Matthew Thompson, Peter
5 Thompson, Raymond Breitenstein, and Stephen Breitenstein, dated July 3, 2019 (Dkt.
6 No. 2861);

7 (3) the joinder by John Caslin and Phyllis Lowe, dated July 11, 2019 (Dkt. No. 2929);

8 (4) the joinder by William Edelen, Roxanne Edelen, The William L. Edelen and Roxanne G.
9 Edelen Trust Agreement Dated June 22, 2011, Burton Fohrman, Raleigh Fohrman, The
10 Fohrman Family Trust Dated February 3, 1976, Jeremy Olsan, Ann DuBay, Jacob Olsan,
11 the Jeremy L. Olsan and Ann M. DuBay Trust Dated November 29, 2011, Kathleen
12 Groppe, Ken Kirven, Brian Kirven, and the Estate of Monte Kirven, dated July 11, 2019
13 (Dkt. No. 2930);

14 (5) the joinder by Don Louis Kamprath, Ruth Kamprath, the Donald L. Kamprath and Ruth
15 Johnson Kamprath Revocable Trust, Elizabeth Fourkas, Pete Fourkas, Alissa Fourkas, the
16 Fourkas Family Trust, Greg Wilson, and Christina Wilson, dated July 11, 2019 (Dkt. No.
17 2942);

18 (6) the joinder by Armando A. Berriz, Armando J. Berriz, Carmen T. Meissner, Monica
19 Berriz, and the Estate of Carmen Caldentey Berriz, dated July 11, 2019 (Dkt. No. 2943);
20 and

21 (7) the joinder by the Singleton Law Firm Victim Claimants, dated July 18, 2019, to add
22 alleged eligible preference plaintiffs (Dkt. No. 3067) ("SLF Preference Plaintiffs")
23 (collectively, the "TCC Preference Plaintiffs" and the "SLF Preference Plaintiffs" are
24 referred to herein as the "Tubbs Preference Plaintiffs").
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1 On July 3, 2019, as Dkt. No. 2863, the Ad Hoc Group of Subrogation Claim Holders⁴, filed a
2 Motion for Relief from the Automatic Stay, (“Subrogation Motion”).

3 The following joinders were filed to the Subrogation Motion:

4 (1) the joinder filed on behalf of AMICA Mutual Insurance Company, BG Resolution
5 Partners I-A, L.L.C. (an Affiliate of The Baupost Group, L.L.C.), Encompass Insurance
6 Company, Fire Insurance Exchange, Hartford Accident & Indemnity Company, Liberty
7 Insurance Corporation, Mercury Insurance, Nationwide Mutual Insurance Company, and
8 United Services Automobile Association, dated July 12, 2019 (Dkt. No. 2959) (“July 12
9 Joinder”); and

10 (2) the joinder by State Farm Mutual Automobile Insurance Company and its affiliates and
11 subsidiaries, dated July 15, 2019 (Dkt. No. 2983) (“July 15 Joinder”). The parties to the
12 July 12 Joinder and the July 15 Joinder are collectively referred to herein as the
13 “Subrogation Joining Parties.”

14 On July 19, 2019, the following papers were filed in opposition to the Motion and the
15 Subrogation Motion: (1) the Debtors filed an objection (Dkt. No. 3104) and the declaration of Kevin
16 J. Orsini in support thereof (Dkt. No. 3105); (2) the Official Committee of Unsecured Creditors filed
17 an objection (Dkt. No. 3101) and the declaration of Thomas R. Kreller in support thereof (Dkt. No.
18 3102); (3) the Ad Hoc Committee of Senior Unsecured Noteholders filed a joinder to the Official
19 Committee of Unsecured Creditors’ objection (Dkt. No 3106); and (4) certain PG&E shareholders
20 filed an objection (Dkt. No. 3108).

21 On August 7, 2019, Barbara Thompson, John Thompson, Matthew Thompson, Peter
22 Thompson, Raymond Breitenstein and Stephen Breitenstein filed a reply in support of their joinder
23 in the Motion (Dkt. No. 3407), Sonoma Clean Power Authority filed a statement and a reservation of
24 rights on the Motion and the Subrogation Motion (Dkt. No. 3415), and the Singleton Law Firm
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27 ⁴ The Ad Hoc Group of Subrogation Claim Holders includes all of the members listed on Exhibit A to the
28 Third Amended Verified Statement of the Ad Hoc Group of Subrogation Claim Holders filed on July 17,
2019 (Dkt. No. 3020).

1 Victim Claimants filed a response in support of the Motion (Dkt. No. 3449).

2 On August 14, 2019, the Court held a hearing on the Motion, the Subrogation Motion, and
3 the joinders thereto.

4 On August 16, 2019, as Dkt. No. 3571, the Court issued its Decision Regarding Motions for
5 Relief from Stay (“Memorandum Decision”).

6 On August 21, 2019, as Dkt. No. 3643, an order (“Subrogation RFS Order”)⁵ was entered
7 granting the Subrogation Motion and the joinders thereto terminating the automatic stay as requested
8 in the Subrogation Motion to allow the members of the Ad Hoc Group of Subrogation Claim
9 Holders, including the Subrogation Joining Parties, and the respective insurers for the preference
10 plaintiffs listed on Exhibits A and B of the Subrogation RFS Order, to pursue to judgment their
11 claims against the Debtors regarding the issue of the Debtors’ liability for the Tubbs Fire in the
12 California Superior Court, where the claims are currently pending in JCCP 4955

13 On August 21, 2019, as Dkt. No. 3644, an order (“TCC RFS Order”)⁶ was entered granting
14 the Motion and the joinders and terminating the automatic stay as to the alleged preference plaintiffs
15 listed in Exhibits A and B of the RFS Order, to take any actions necessary or appropriate to
16 prosecute their claims against the Debtors arising solely from the 2017 Tubbs Fire as set forth in the
17 Complaints against the Debtors, attached to the Motion, and as may be amended, to judgment, and to
18 request the California Superior Court in the California North Bay Fire Cases, JCCP 4955, to order
19 the Tubbs Preference Plaintiffs’ claims to trial with preference pursuant to Code of Civil Procedure
20 section 36.

21 The indispensable parties (“SLF Indispensable Parties”) for the SLF Preference Plaintiffs
22 were not listed in Exhibit B of the TCC RFS Order nor the Subrogation RFS Order. As a result,
23 relief from stay was not granted as to the SLF Indispensable Parties’ participation in any trial
24 involving the Tubbs Fire.

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27 ⁵ A true and correct copy of the Subrogation RFS Order is attached as Exhibit “2” to the Marshack
Declaration.

28 ⁶ A true and correct copy of the TCC RFS Order is attached as Exhibit “3” to the Marshack Declaration.

1 Specifically, the following SLF Indispensable Parties were not granted relief:

2 Alleged Preference Plaintiff Granted Relief	SLF Indispensable Party Not Granted Relief
3 Thomas Howard	Jacqueline Tihoni (wife), and their trust, The 4 T.M. & J.T. Howard 2003 Revocable Trust
5 Catherine Maffioli	Donald Maffioli (husband)
6 Evelyn Venturi	The Edward J. Venturi Family Trust (named 7 for her late husband)

8
9 Now, SLF Claimants bring this Motion to approve the Stipulation to allow the SLF
10 Indispensable Parties to proceed to a jury trial on their personal injury and related property damage
11 claims against the Debtors arising from the 2017 Tubbs Fire as set forth in Complaints against
12 PG&E, and to request the Court in the California North Bay Fire Cases, JCCP 4955, to order one or
13 more of the cases of the Tubbs Preference Plaintiffs to trial with preference pursuant to California
14 Code of Civil Procedure section 36. In support SLF Claimants, respectfully represent as follows:

15 **4. Summary of the Stipulation**

16 A summary of the relevant portions of the Stipulation is set forth below:

- 17 1. The automatic stay is modified as to the SLF Indispensable Parties, namely (1)
18 Jacqueline Tihoni, (2) The T.M. & J.T. Howard 2003 Revocable Trust; (3) Donald
19 Maffioli; and (4) The Edward J. Venturi Family Trust, to the same extent as provided
20 in the TCC RFS Order;
- 21 2. The automatic stay shall remain in full force and effect for all other purposes
22 including with respect to the enforcement of any judgment that may be obtained by
23 reason of the modification of the automatic stay as provided above;
- 24 3. The Parties consent, that notwithstanding Bankruptcy Rule 4001(a)(3), or any other
25 Bankruptcy Rule, any order approving this stipulation shall be immediately effective
26 and enforceable upon its entry.

27 See Marshack Declaration, Ex. 1. pgs. 17-21.

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5. Legal Argument

Section 362(d)(1) allows a bankruptcy court to grant relief from the automatic stay “for cause.” See 11 U.S.C. § 362(d)(1); *In re Delaney-Morin*, 304 B.R. 365, 368 (B.A.P. 9th Cir. 2003). “Because there is no clear definition of what constitutes ‘cause,’ discretionary relief from the stay must be determined on a case by case basis.” *Mac Donald v. Mac Donald (In re Mac Donald)*, 755 F.2d 715, 717 (9th Cir. 1985).

As noted by the TCC, “[a] court should grant relief from stay and/or abstain in each of the following situations: (1) where the debtor has proposed a Trust that is capitalized with estate cash insufficient to pay claims in full if the liquidations exceed the amount estimated to capitalize the Trust, because estimation would necessarily create a limited fund or cap on the debtor’s liability or ability to pay the claims in full; (2) where the debtor disputes the validity of the claims based on a factual causation issue; (3) where the parties are unable to determine the amount of money to set aside to pay the claims because the debtor disputes liability for the claims as a factual matter, the disputed claims involve a large dollar amount, and the parties would thereby be unable to negotiate a plan of reorganization that would pay the amount of claims in dispute because they have a fundamental disagreement on claim value (4) where relief from stay and abstention would result in settlement of the cases; and (5) when a trial is in the individual’s or the public’s interest.” TCC Mot, 18:23-19:5. All such factors are met here as previously determined by this Court. Specifically, a determination of liability would, “in one fell swoop” either dispose of claims or have a favorable impact on settlement prospects.

Moreover, some courts have held that the waiver or agreement to waive the stay is the determinative factor when a motion for relief is unopposed by any party. Generally, it is “against public policy for a debtor to waive the prepetition protection of the Bankruptcy Code.” *Bank of China v. Huang (In re Huang)*, 275 F.3d 1173, 1177 (9th Cir. 2002). However, postpetition waivers, when such a waiver is made after notice to unsecured creditors and an opportunity to object, have routinely been enforced. The following factors as relevant to the question whether relief from a stay should be granted based on a waiver/consent of the debtor:

(1) the sophistication of the party making the waiver;

- 1 (2) the consideration for the waiver, including the creditor's risk and the length of time the
- 2 waiver covers;
- 3 (3) whether other parties are affected including unsecured creditors and junior lienholders;
- 4 (4) the feasibility of the debtor's plan;
- 5 (5) whether there is evidence that the waiver was obtained by coercion, fraud or mutual
- 6 mistake of material facts;
- 7 (6) whether enforcing the agreement will further the legitimate public policy of encouraging
- 8 out of court restructurings and settlements;
- 9 (7) whether there appears to be a likelihood of reorganization;
- 10 (8) the extent to which the creditor would be otherwise prejudiced if the waiver is not
- 11 enforced;
- 12 (9) the proximity in time between the date of the waiver and the date of the bankruptcy filing
- 13 and whether there was a compelling change in circumstances during that time;
- 14 (10) whether the debtor has equity in the property and the creditor is otherwise entitled to
- 15 relief from stay under § 362(d).

16 *In re BGM Pasadena, LLC*, 2016 U.S. Dist. LEXIS 72825, at *12-13 (C.D. Cal. June 2, 2016) citing
17 *In re Frye*, 320 B.R. 786 (Bankr. D. Vt. 2005).

18 Here, the Debtors do not oppose granting relief from stay and in fact executed the Stipulation
19 to allow relief from stay. *See* Marshack Decl., Ex. 1, pgs. 17-21. Importantly, this court has
20 previously allowed similarly situated indispensable parties to be granted relief from stay to proceed
21 in the Tubbs trial. *See* Dk. Nos. 3643 & 3644.

22 Lastly, FRBP 4001(a)(3) stays “an order granting a motion for relief from an automatic stay
23 made in accordance with Rule 4001(a)(1) ... until the expiration of 14 days after entry of the order,
24 unless the court orders otherwise.” Plainly put, FRBP 4001(a)(3) grants a period of 14 days in which
25 to seek a stay before the creditor may take action based on the order granting relief from the
26 automatic stay. At the same time, the rule authorizes the court to shorten or eliminate the 14-day
27 stay. The rule does not provide the grounds on which a court would do so, but indirectly suggests
28 that a risk of irreparable damage to the creditor would provide such grounds. Here, the Debtors have

1 consented that relief from stay be granted and the 14 day stay under FRBP 4001 be waived.

2 **6. Conclusion**

3 Based on all of the above, the SLF Claimants respectfully requests this Court to enter an
4 order approving the Stipulation and for such other and further relief as the Court deems just.

5 Dated: August 27, 2019

MARSHACK HAYS LLP

6 /s/ Richard A, Marshack

7 By: _____

RICHARD A. MARSHACK

8 DAVID A. WOOD

LAILA MASUD

9 Attorneys for SLF CLAIMANTS

10 Dated: August 27, 2019

SINGLETON LAW FIRM, APC

11 /s/ Gerald Singleton

12 By: _____

GERALD SINGLETON

13 GARY LOCURTO

14 Attorneys for SLF CLAIMANTS

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I, Richard A. Marshack declare as follows:

1. I am an individual over 18 years of age and competent to make this Declaration.
2. If called upon to do so, I could and would competently testify as to the facts set forth in this Declaration.
3. The facts set forth below are true of my personal knowledge.
4. I am an attorney at law duly admitted to practice before this Court and all courts of the State of California.
5. I am a partner in the law firm of Marshack Hays LLP, co-counsel of record for the SLF Claimants.
6. I make this Declaration in support the SLF Claimant's motion ("Motion") for entry of an order approving the stipulation ("Stipulation") entered into between PG&E Corporation ("PG&E Corp.") and Pacific Gas and Electric Company ("Utility"), as debtors and debtors in possession (collectively, "PG&E" or the "Debtors") and the SLF Fire Victim Claimants⁷ comprised of approximately 5,500 victims of the fires started by Debtors in 2015 ("Butte Fire"), 2017 (the twenty fires generally referred to as the "North Bay and Wind Complex Fires") and 2018 ("Camp Fire").
7. On January 29, 2019, PG&E Corporation and Pacific Gas and Electric Company ("Debtors" or "PG&E") commenced with the Court voluntary cases ("Chapter 11 Cases") under chapter 11 of the United States Code ("Bankruptcy Code").
8. Since, the Debtors continue to operate their businesses and manage their properties as debtors in possession pursuant to 11 U.S.C. §§ 1107(a) & 1108, the Debtors' Chapter 11 Cases are being jointly administered for procedural purposes only pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure ("FRBP").

Case: 19-30088 Doc# 3725 Filed: 08/27/19 Entered: 08/27/19 18:52:37 Page 11
of 41

1 9. On February 12, 2019, the United States Trustee (the “U.S. Trustee”) appointed
2 an Official Committee of Unsecured Creditors (the “Creditors Committee”). A torts claimants
3 committee has also been formed (“TCC”).

4 10. Notably, none of the SLF Claimants are members of the TCC.

5 11. On July 2, 2019, as Dkt. No. 2842,⁸ the TCC, filed a motion (“TCC Motion”)
6 pursuant to § 362(d)(1) of title 11 of the United States Code (“Bankruptcy Code”), §§ 1334(c)
7 and 1452(b) of title 28 of the United States Code, Rules 4001 and 5011(b) of the Federal Rules
8 of Bankruptcy Procedure and Rule 4004-1 of the Bankruptcy Local Rules for the United States
9 District Court for the Northern District of California. The Motion sought entry of an order
10 terminating the automatic stay to permit certain individuals to proceed to a jury trial on their
11 personal injury and property damage claims against the Debtors arising from the 2017 Tubbs
12 Fire in the California Superior Court, and to request the Court in the California North Bay Fire
13 Cases, JCCP 4955, to order the claims of those individuals to proceed to a jury trial with
14 preference pursuant to Code of Civil Procedure § 36. On July 9, 2019, as Dkt. No. 2904, the
15 TCC filed an amendment to the Motion to include a number of individuals with personal injury,
16 wrongful death and property damage claims. (“TCC Preference Plaintiffs”).

17 12. The following joinders were filed to the Motion:

18 (1) the joinder by Co-Lead Counsel to the North Bay Fire Cases, dated July 2, 2019 (Dkt.
19 No. 2850);

20 (2) the joinder by Barbara Thompson, John Thompson, Matthew Thompson, Peter
21 Thompson, Raymond Breitenstein, and Stephen Breitenstein, dated July 3, 2019 (Dkt. No.
22 2861);

23 (3) the joinder by John Caslin and Phyllis Lowe, dated July 11, 2019 (Dkt. No. 2929);

24 (4) the joinder by William Edelen, Roxanne Edelen, The William L. Edelen and Roxanne G.
25 Edelen Trust Agreement Dated June 22, 2011, Burton Fohrman, Raleigh Fohrman, The
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27 ⁸ Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the
28 Motion.

1 Fohrman Family Trust Dated February 3, 1976, Jeremy Olsan, Ann DuBay, Jacob Olsan, the
2 Jeremy L. Olsan and Ann M. DuBay Trust Dated November 29, 2011, Kathleen Groppe, Ken
3 Kirven, Brian Kirven, and the Estate of Monte Kirven, dated July 11, 2019 (Dkt. No. 2930);
4 (5) the joinder by Don Louis Kamprath, Ruth Kamprath, the Donald L. Kamprath and Ruth
5 Johnson Kamprath Revocable Trust, Elizabeth Fourkas, Pete Fourkas, Alissa Fourkas, the
6 Fourkas Family Trust, Greg Wilson, and Christina Wilson, dated July 11, 2019 (Dkt. No.
7 2942);
8 (6) the joinder by Armando A. Berriz, Armando J. Berriz, Carmen T. Meissner, Monica
9 Berriz, and the Estate of Carmen Caldentey Berriz, dated July 11, 2019 (Dkt. No. 2943); and
10 (7) the joinder by the Singleton Law Firm Victim Claimants, dated July 18, 2019, to add
11 alleged eligible preference plaintiffs (Dkt. No. 3067) (“SLF Preference Plaintiffs”)
12 (collectively, the “TCC Preference Plaintiffs” and the “SLF Preference Plaintiffs” are
13 referred to herein as the “Tubbs Preference Plaintiffs”).

14 13. On July 3, 2019, as Dkt. No. 2863, the Ad Hoc Group of Subrogation Claim
15 Holders⁹, filed a Motion for Relief from the Automatic Stay, (“Subrogation Motion”).

16 14. The following joinders were filed to the Subrogation Motion:

17 (1) the joinder filed on behalf of AMICA Mutual Insurance Company, BG Resolution
18 Partners I-A, L.L.C. (an Affiliate of The Baupost Group, L.L.C.), Encompass Insurance
19 Company, Fire Insurance Exchange, Hartford Accident & Indemnity Company, Liberty
20 Insurance Corporation, Mercury Insurance, Nationwide Mutual Insurance Company, and
21 United Services Automobile Association, dated July 12, 2019 (Dkt. No. 2959) (“July 12
22 Joinder”); and

23 (2) the joinder by State Farm Mutual Automobile Insurance Company and its affiliates and
24 subsidiaries, dated July 15, 2019 (Dkt. No. 2983) (“July 15 Joinder”). The parties to the July
25

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27 ⁹ The Ad Hoc Group of Subrogation Claim Holders includes all of the members listed on Exhibit A
28 to the Third Amended Verified Statement of the Ad Hoc Group of Subrogation Claim Holders filed
on July 17, 2019 (Dkt. No. 3020).

1 12 Joinder and the July 15 Joinder are collectively referred to herein as the “Subrogation
2 Joining Parties.”

3 15. On July 19, 2019, the following papers were filed in opposition to the Motion and
4 the Subrogation Motion: (1) the Debtors filed an objection (Dkt. No. 3104) and the declaration of
5 Kevin J. Orsini in support thereof (Dkt. No. 3105); (2) the Official Committee of Unsecured
6 Creditors filed an objection (Dkt. No. 3101) and the declaration of Thomas R. Kreller in support
7 thereof (Dkt. No. 3102); (3) the Ad Hoc Committee of Senior Unsecured Noteholders filed a
8 joinder to the Official Committee of Unsecured Creditors’ objection (Dkt. No 3106); and (4)
9 certain PG&E shareholders filed an objection (Dkt. No. 3108).

10 16. On August 7, 2019, Barbara Thompson, John Thompson, Matthew Thompson,
11 Peter Thompson, Raymond Breitenstein and Stephen Breitenstein filed a reply in support of their
12 joinder in the Motion (Dkt. No. 3407), Sonoma Clean Power Authority filed a statement and a
13 reservation of rights on the Motion and the Subrogation Motion (Dkt. No. 3415), and the
14 Singleton Law Firm Victim Claimants filed a response in support of the Motion (Dkt. No. 3449).

15 17. On August 14, 2019, the Court held a hearing on the Motion, the Subrogation
16 Motion, and the joinders thereto.

17 18. On August 16, 2019, as Dkt. No. 3571, the Court issued its Decision Regarding
18 Motions for Relief from Stay (“Memorandum Decision”).

19 19. On August 21, 2019, as Dkt. No. 3643, an order (“Subrogation RFS Order”) was
20 entered granting the Subrogation Motion and the joinders thereto terminating the automatic stay
21 as requested in the Subrogation Motion to allow the members of the Ad Hoc Group of
22 Subrogation Claim Holders, including the Subrogation Joining Parties, and the respective
23 insurers for the preference plaintiffs listed on Exhibits A and B of the Subrogation RFS Order, to
24 pursue to judgment their claims against the Debtors regarding the issue of the Debtors’ liability
25 for the Tubbs Fire in the California Superior Court, where the claims are currently pending in
26 JCCP 4955. A true and correct copy of the Subrogation RFS Order is attached as Exhibit “2.”

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1 20. On August 21, 2019, as Dkt. No. 3644, an order (“TCC RFS Order”) was entered
2 granting the Motion and the joinders and terminating the automatic stay as to the alleged
3 preference plaintiffs listed in Exhibits A and B of the RFS Order, to take any actions necessary
4 or appropriate to prosecute their claims against the Debtors arising solely from the 2017 Tubbs
5 Fire as set forth in the Complaints against the Debtors, attached to the Motion, and as may be
6 amended, to judgment, and to request the California Superior Court in the California North Bay
7 Fire Cases, JCCP 4955, to order the Tubbs Preference Plaintiffs’ claims to trial with preference
8 pursuant to Code of Civil Procedure section 36. A true and correct copy of the TCC RFS Order
9 is attached as Exhibit “3.”

10 21. The indispensable parties (“SLF Indispensable Parties”) for the SLF Preference
11 Plaintiffs were not listed in Exhibit B of the TCC RFS Order nor the Subrogation RFS Order. As
12 a result, relief from stay was not granted as to the SLF Indispensable Parties’ participation in any
13 trial involving the Tubbs Fire.

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1 22. Specifically, the following SLF Indispensable Parties were not granted relief:

2 Alleged Preference Plaintiff Granted Relief	SLF Indispensable Party Not Granted Relief
3 Thomas Howard	Jacqueline Tihoni (wife), and their trust, The
4	T.M. & J.T. Howard 2003 Revocable Trust
5 Catherine Maffioli	Donald Maffioli (husband)
6 Evelyn Venturi	The Edward J. Venturi Family Trust (named
7	for her late husband)

8 23. Now, SLF Claimants bring this Motion to approve the Stipulation to allow the
9 SLF Indispensable Parties to proceed to a jury trial on their personal injury and related property
10 damage claims against the Debtors arising from the 2017 Tubbs Fire as set forth in Complaints
11 against PG&E, and to request the Court in the California North Bay Fire Cases, JCCP 4955, to
12 order one or more of the cases of the Tubbs Preference Plaintiffs to trial with preference pursuant
13 to California Code of Civil Procedure section 36. A true and correct copy of the Stipulation is
14 attached as Exhibit "1."

15 I declare under penalty of perjury that the foregoing is true and correct.

16 Executed on August 27, 2019.

17 /s/ Richard A. Marshack

18 _____
19 RICHARD A. MARSHACK

EXHIBIT 1

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10 Attorneys for SLF Fire Victim Claimants
11

12 UNITED STATES BANKRUPTCY COURT
13 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

14 In re

15 PG&E CORPORATION,

16 and,

17 PACIFIC GAS & ELECTRIC COMPANY,

18 Debtors.

19 Affects:

20 ☐ PG&E Corporation

21 ☐ Pacific Gas & Electric Company

22 ☒ Both Debtors
23

24 * All papers shall be filed in Lead Case,
No. 19-30088 (DM).

Case No. 19-30088 (DM)

Chapter 11

(Lead Case Jointly Administered)

STIPULATION BETWEEN DEBTORS,
AND SLF FIRE CLAIMANTS RE:
GRANTING RELIEF FROM STAY TO
JOIN INDISPENSABLE PARTIES RE:
TUBBS TRIAL

[HEARING REQUIRED PER RULE
4001(D)(1) OF THE FEDERAL RULES OF
BANKRUPTCY PROCEDURE]

25
26 TO THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY COURT
27 JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE AND ALL INTERESTED
28 PARTIES:

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EXHIBIT 1, PAGE 17

1 This Stipulation is entered into between PG&E Corporation (“PG&E Corp.”) and Pacific Gas
2 and Electric Company (“Utility”), as debtors and debtors in possession (collectively, “PG&E” or the
3 “Debtors”), and the SLF Fire Victim Claimants¹ who assert they are comprised of approximately
4 5,300 victims of the 2015 Butte Fire, the 2017 North Bay Fires and the 2018 Camp Fire.
5 Collectively, Debtors and the SLF Claimants are referred to as the “Parties.”

6 **Recitals**

7 A. On July 2, 2019, as Dkt. No. 2842,² the Official Committee of Tort Claimants
8 (“TCC”), filed a motion (“**Motion**”) pursuant to § 362(d)(1) of title 11 of the United States Code
9 (“**Bankruptcy Code**”), §§ 1334(c) and 1452(b) of title 28 of the United States Code, Rules 4001 and
10 5011(b) of the Federal Rules of Bankruptcy Procedure and Rule 4004-1 of the Bankruptcy Local
11 Rules for the United States District Court for the Northern District of California.

12 B. The Motion sought entry of an order modifying the automatic stay to permit certain
13 individuals to proceed to a jury trial on their personal injury and property damage claims against the
14 Debtors arising from the 2017 Tubbs Fire in the California Superior Court, and to request the Court
15 in the California North Bay Fire Cases, JCCP 4955, to order the claims of those individuals to
16 proceed to a jury trial with preference pursuant to Code of Civil Procedure § 36. On July 9, 2019, as
17 Dkt. No. 2904, the TCC filed an amendment to the Motion to include additional individuals
18 (collectively, the “**TCC Preference Plaintiffs**”).

19 C. The following joinders were filed to the Motion: (1) the joinder by Co-Lead Counsel
20 to the North Bay Fire Cases, dated July 2, 2019 (Dkt. No. 2850); (2) the joinder by Barbara
21 Thompson, John Thompson, Matthew Thompson, Peter Thompson, Raymond Breitenstein, and
22 Stephen Breitenstein, dated July 3, 2019 (Dkt. No. 2861); (3) the joinder by John Caslin and Phyllis
23 Lowe, dated July 11, 2019 (Dkt. No. 2929); (4) the joinder by William Edelen, Roxanne Edelen, The
24

25
26 ¹ The claimants represented by SLF, Marshack Hays LLP and other firms are jointly referred to as the “SLF
Claimants.”

27 ² Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the
Motion.
28

1 William L. Edelen and Roxanne G. Edelen Trust Agreement Dated June 22, 2011, Burton Fohrman,
2 Raleigh Fohrman, The Fohrman Family Trust Dated February 3, 1976, Jeremy Olsan, Ann DuBay,
3 Jacob Olsan, the Jeremy L. Olsan and Ann M. DuBay Trust Dated November 29, 2011, Kathleen
4 Groppe, Ken Kirven, Brian Kirven, and the Estate of Monte Kirven, dated July 11, 2019 (Dkt. No.
5 2930); (5) the joinder by Don Louis Kamprath, Ruth Kamprath, the Donald L. Kamprath and Ruth
6 Johnson Kamprath Revocable Trust, Elizabeth Fourkas, Pete Fourkas, Alissa Fourkas, the Fourkas
7 Family Trust, Greg Wilson, and Christina Wilson, dated July 11, 2019 (Dkt. No. 2942); (6) the
8 joinder by Armando A. Berriz, Armando J. Berriz, Carmen T. Meissner, Monica Berriz, and the
9 Estate of Carmen Caldentey Berriz, dated July 11, 2019 (Dkt. No. 2943); and (7) the joinder by the
10 Singleton Law Firm Victim Claimants, dated July 18, 2019, alleged eligible preference plaintiffs
11 (Dkt. No. 3067) (“**SLF Preference Plaintiffs**”) (collectively, the “**TCC Preference Plaintiffs**” and
12 the “**SLF Preference Plaintiffs**” are referred to herein as the “**Tubbs Preference Plaintiffs**”).

13 D. On July 3, 2019, as Dkt. No. 2863, the Ad Hoc Group of Subrogation Claim
14 Holders³, filed a Motion for Relief from the Automatic Stay (“**Subrogation Motion**”).

15 E. The following joinders were filed to the Subrogation Motion: (1) the joinder filed on
16 behalf of AMICA Mutual Insurance Company, BG Resolution Partners I-A, L.L.C. (an Affiliate of
17 The Baupost Group, L.L.C.), Encompass Insurance Company, Fire Insurance Exchange, Hartford
18 Accident & Indemnity Company, Liberty Insurance Corporation, Mercury Insurance, Nationwide
19 Mutual Insurance Company, and United Services Automobile Association, dated July 12, 2019 (Dkt.
20 No. 2959) (“**July 12 Joinder**”); and (2) the joinder by State Farm Mutual Automobile Insurance
21 Company and its affiliates and subsidiaries, dated July 15, 2019 (Dkt. No. 2983) (“**July 15**
22 **Joinder**”). The parties to the July 12 Joinder and the July 15 Joinder are collectively referred to
23 herein as the “**Subrogation Joining Parties.**”

24 F. On July 19, 2019, the following pleadings were filed in opposition to the Motion and
25

26 ³ The Ad Hoc Group of Subrogation Claim Holders includes all of the members listed on Exhibit A to the Third
27 Amended Verified Statement of the Ad Hoc Group of Subrogation Claim Holders filed on July 17, 2019 (Dkt. No.
28 3020).

1 the Subrogation Motion: (1) the Debtors filed an objection (Dkt. No. 3104) and the declaration of
2 Kevin J. Orsini in support thereof (Dkt. No. 3105); (2) the Official Committee of Unsecured
3 Creditors filed an objection (Dkt. No. 3101) and the declaration of Thomas R. Kreller in support
4 thereof (Dkt. No. 3102); (3) the Ad Hoc Committee of Senior Unsecured Noteholders filed a joinder
5 to the Official Committee of Unsecured Creditors' objection (Dkt. No 3106); and (4) certain PG&E
6 shareholders filed an objection (Dkt. No. 3108).

7 G. On August 7, 2019, Barbara Thompson, John Thompson, Matthew Thompson, Peter
8 Thompson, Raymond Breitenstein and Stephen Breitenstein filed a reply in support of their joinder
9 in the Motion (Dkt. No. 3407), Sonoma Clean Power Authority filed a statement and a reservation of
10 rights on the Motion and the Subrogation Motion (Dkt. No. 3415), and the Singleton Law Firm
11 Victim Claimants filed a response in support of the Motion (Dkt. No. 3449).

12 H. On August 14, 2019, the Court held a hearing on the Motion, the Subrogation Motion,
13 and the joinders thereto.

14 I. On August 16, 2019, as Dkt. No. 3571, the Court issued its Decision Regarding
15 Motions for Relief from Stay ("**Memorandum Decision**").

16 J. On August 21, 2019, as Dkt. No. 3643, an order ("**Subrogation RFS Order**") was
17 entered granting the Subrogation Motion and the joinders thereto as provided in the Subrogation
18 RFS Order.

19 K. On August 21, 2019, as Dkt. No. 3644, an order ("**TCC RFS Order**") was entered
20 granting the Motion and the joinders as provided in the TCC RFS Order.

21 L. The alleged indispensable parties for the SLF Preference Plaintiffs ("**SLF**
22 **Indispensable Parties**") were not listed in Exhibit B of the TCC RFS Order nor the Subrogation
23 RFS Order. As a result, relief from stay was not granted as to the SLF Indispensable Parties.

24 M. Specifically, the following SLF Indispensable Parties were not granted relief:

Alleged Preference Plaintiff Granted Relief	Alleged Indispensable Party Not Granted Relief
Thomas Howard	Jacqueline Tihoni (wife), and their trust, The

	T.M. & J.T. Howard 2003 Revocable Trust
Catherine Maffioli	Donald Maffioli (husband)
Evelyn Venturi	The Edward J. Venturi Family Trust (named for her late husband)

WHEREFORE, the Parties stipulate as follows:

1. The automatic stay is modified as to the SLF Indispensable Parties, namely (1) Jacqueline Tihoni, (2) The T.M. & J.T. Howard 2003 Revocable Trust; (3) Donald Maffioli; and (4) The Edward J. Venturi Family Trust to the same extent as provided in the TCC RFS Order.

2. The automatic stay shall remain in full force and effect for all other purposes including with respect to the enforcement of any judgment that may be obtained by reason of the modification of the automatic stay as provided above.

3. The Parties consent, that notwithstanding Bankruptcy Rule 4001(a)(3), or any other Bankruptcy Rule, any order approving this stipulation shall be immediately effective and enforceable upon its entry.

4. The Bankruptcy Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of any order approving this Stipulation.

Dated: August 26, 2019

MARSHACK HAYS LLP

By: /s/ Richard A. Marshack
RICHARD A. MARSHACK
Attorneys for SLF CLAIMANTS

Dated: August 26, 2019

CRAVATH, SWAINE, & MOORE, LLP

By: /s/ Kevin J. Orsini
KEVIN J. ORSINI
Attorneys for PG&E

EXHIBIT 2



DIEMER & WEI, LLP

Signed and Filed: August 21, 2019

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Email: kdiemer@diemerwei.com

A handwritten signature in cursive script, reading "Dennis Montali", is written over a horizontal line.

DENNIS MONTALI
U.S. Bankruptcy Judge

WILLKIE FARR & GALLAGHER LLP

Matthew A. Feldman (*pro hac vice*)
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*Counsel for Ad Hoc Group of Subrogation
Claim Holders*

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:
PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

Case No. 19-30088
Chapter 11
(Lead Case)
(Jointly Administered)

**ORDER GRANTING THE MOTION OF THE
AD HOC GROUP OF SUBROGATION CLAIM
HOLDERS FOR RELIEF FROM THE
AUTOMATIC STAY**

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric
Company
☒ Affects both Debtors

**All papers shall be filed in the lead
case, No. 19-30088 (DM)*

1 The Official Committee of Tort Claimants (the “TCC”), on July 2, 2019, filed a motion
2 (the “**Motion**”) (Dkt. No. 2842),¹ pursuant to section 362(d)(1) of title 11 of the United States
3 Code (the “**Bankruptcy Code**”), sections 1334(c) and 1452(b) of title 28, Rules 4001 and
4 5011(b) of the Federal Rules of Bankruptcy Procedure and Rule 4004-1 of the Bankruptcy
5 Local Rules for the United States District Court for the Northern District of California for entry
6 of an order terminating the automatic stay to permit certain individuals to proceed to a jury trial
7 on their personal injury and property damage claims against the Debtors arising from the 2017
8 Tubbs Fire in the California Superior Court, and to request the Court in the California North
9 Bay Fire Cases, JCCP 4955, to order the claims of those individuals to proceed to a jury trial
10 with preference pursuant to Code of Civil Procedure section 36. On July 9, 2019, the TCC filed
11 an amendment to the Motion to include a number of individuals with personal injury, wrongful
12 death and property damage claims, as listed on **Exhibit A** hereto (the “**Tubbs Preference**
13 **Plaintiffs**”) (Dkt. No. 2904).

14 The following joinders were filed to the Motion: (1) the joinder by Co-Lead Counsel to
15 the North Bay Fire Cases, dated July 2, 2019 (Dkt. No. 2850); (2) the joinder by Barbara
16 Thompson, John Thompson, Matthew Thompson, Peter Thompson, Raymond Breitenstein, and
17 Stephen Breitenstein, dated July 3, 2019 (Dkt. No. 2861); (3) the joinder by John Caslin and
18 Phyllis Lowe, dated July 11, 2019 (Dkt. No. 2929); (4) the joinder by William Edelen, Roxanne
19 Edelen, The William L. Edelen and Roxanne G. Edelen Trust Agreement Dated June 22, 2011,
20 Burton Fohrman, Raleigh Fohrman, The Fohrman Family Trust Dated February 3, 1976, Jeremy
21 Olsan, Ann DuBay, Jacob Olsan, the Jeremy L. Olsan and Ann M. DuBay Trust Dated
22 November 29, 2011, Kathleen Groppe, Ken Kirven, Brian Kirven, and the Estate of Monte
23 Kirven, dated July 11, 2019 (Dkt. No. 2930); (5) the joinder by Don Louis Kamprath, Ruth
24 Kamprath, the Donald L. Kamprath and Ruth Johnson Kamprath Revocable Trust, Elizabeth
25 Fourkas, Pete Fourkas, Alissa Fourkas, the Fourkas Family Trust, Greg Wilson, and Christina
26

27 ¹ Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Motion.
28

1 Wilson, dated July 11, 2019 (Dkt. No. 2942); (7) the joinder by Armando A. Berriz, Armando J.
2 Berriz, Carmen T. Meissner, Monica Berriz, and the Estate of Carmen Caldentey Berriz, dated
3 July 11, 2019 (Dkt. No. 2943); and (8) the joinder by the Singleton Law Firm Victim Claimants,
4 dated July 18, 2019, to add the individuals listed on **Exhibit B** hereto (Dkt. No. 3067).

5 The Ad Hoc Group of Subrogation Claim Holders², on July 3, 2019, filed a Motion for
6 Relief from the Automatic Stay, dated July 3, 2019 (the “**Subrogation Motion**”) (Dkt. No.
7 2863). The following joinders were filed to the Subrogation Motion: (1) the joinder filed on
8 behalf of AMICA Mutual Insurance Company, BG Resolution Partners I-A, L.L.C. (an Affiliate
9 of The Baupost Group, L.L.C.), Encompass Insurance Company, Fire Insurance Exchange,
10 Hartford Accident & Indemnity Company, Liberty Insurance Corporation, Mercury Insurance,
11 Nationwide Mutual Insurance Company, and United Services Automobile Association, dated
12 July 12, 2019 (Dkt. No. 2959) (the “**July 12 Joinder**”); and (2) the joinder by State Farm
13 Mutual Automobile Insurance Company and its affiliates and subsidiaries, dated July 15, 2019
14 (Dkt. No. 2983) (the “**July 15 Joinder**”). The parties to the July 12 Joinder and the July 15
15 Joinder are collectively referred to herein as the “**Subrogation Joining Parties.**”

16 On July 19, 2019, the following papers were filed in opposition to the Motion and the
17 Subrogation Motion: (1) the Debtors filed an objection (Dkt. No. 3104) and the declaration of
18 Kevin J. Orsini in support thereof (Dkt. No. 3105); (2) the Official Committee of Unsecured
19 Creditors filed an objection (Dkt. No. 3101) and the declaration of Thomas R. Kreller in support
20 thereof (Dkt. No. 3102); (3) the Ad Hoc Committee of Senior Unsecured Noteholders filed a
21 joinder to the Official Committee of Unsecured Creditors’ objection (Dkt. No 3106); and (4)
22 certain PG&E shareholders filed an objection (Dkt. No. 3108).

23 On August 7, 2019, Barbara Thompson, John Thompson, Matthew Thompson, Peter
24 Thompson, Raymond Breitenstein and Stephen Breitenstein filed a reply in support of their
25

26
27 ² The Ad Hoc Group of Subrogation Claim Holders includes all of the members listed on Exhibit A to the Third
28 Amended Verified Statement of the Ad Hoc Group of Subrogation Claim Holders filed on July 17, 2019 (Dkt. No. 3020).

1 joinder in the Motion (Dkt. No. 3407), Sonoma Clean Power Authority filed a statement and a
2 reservation of rights on the Motion and the Subrogation Motion (Dkt. No. 3415), and the
3 Singleton Law Firm Victim Claimants filed a response in support of the Motion (Dkt. No.
4 3449).

5 On August 14, 2019, the Court held a hearing on the Motion, the Subrogation Motion,
6 and the joinders thereto. The Court considered the Motion, the declarations of Steven M.
7 Campora, Robert A. Julian, and Brent C. Williams, the amended declaration of Michael A.
8 Kelly, the joinders to the Motion, the replies in support of the Motion, the Subrogation Motion,
9 the declaration of Benjamin P. McCallen, the joinders to the Subrogation Motion, the
10 oppositions of the Debtors, the Official Committee of Unsecured Creditors, the Ad Hoc
11 Committee of Senior Unsecured Noteholders, and the PG&E shareholders, and the declarations
12 of Kevin J. Orsini and Thomas R. Kreller. On August 16, 2019, the Court issued its Decision
13 Regarding Motions for Relief from Stay (“**Memorandum Decision**”) (Dkt. No. 3571).

14 Now therefore, the Court having considered the papers and the argument of counsel at the
15 hearing, and for the reasons stated in the Memorandum Decision, **IT IS HEREBY ORDERED**
16 **THAT:**

17 1. The Subrogation Motion and the joinders thereto are granted and the automatic
18 stay is terminated as requested in the Subrogation Motion to allow the members of the Ad Hoc
19 Group of Subrogation Claim Holders, including the Subrogation Joining Parties, and the
20 respective insurers for the preference plaintiffs listed on Exhibits A and B hereto, to pursue to
21 judgment their claims against the Debtors regarding the issue of the Debtors’ liability for the
22 Tubbs Fire in the California Superior Court, where the claims are currently pending in JCCP
23 4955.

24 2. The automatic stay shall remain in full force and effect for all other purposes
25 including with respect to the enforcement of any judgment that may be obtained by reason of the
26 termination of the automatic stay as provided above.
27
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1 3. Notwithstanding Bankruptcy Rule 4001(a)(3), or any other Bankruptcy Rule, this
2 Order shall be immediately effective and enforceable upon its entry.

3 4. This Court shall retain jurisdiction to hear and determine all matters arising from
4 or related to the implementation, interpretation, or enforcement of this Order.

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6 *** END OF ORDER ***
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EXHIBIT A

Alleged Tubbs Preference Plaintiffs Identified in the Motion and Alleged Indispensable Parties Thereto

Barbara Thompson (Joinder Dkt. No. 2861)

Indispensable Party: John Thompson (Joinder Dkt. No. 2861)

Indispensable Party: Matthew Thompson (Joinder Dkt. No. 2861)

Indispensable Party: Peter Thompson (Joinder Dkt. No. 2861)

Raymond Breitenstein (Joinder Dkt. No. 2861)

Indispensable Party: Stephen Breitenstein (Joinder Dkt. No. 2861)

John Caslin (Joinder Dkt. No. 2929)

Phyllis Lowe (Joinder Dkt. No. 2929)

William Edelen (Joinder Dkt. No. 2930)

Indispensable Party: Roxanne Edelen (Joinder Dkt. No. 2930)

Indispensable Party: The William L. Edelen and Roxanne G. Edelen Trust Agreement Dated June 22, 2011 (Joinder Dkt. No. 2930)

Burton Fohrman (Joinder Dkt. No. 2930)

Indispensable Party: Raleigh Fohrman (Joinder Dkt. No. 2930)

Indispensable Party: The Fohrman Family Trust Dated February 3, 1976 (Joinder Dkt. No. 2930)

Indispensable Party: Jeremy Olsan (Joinder Dkt. No. 2930)

Indispensable Party: Ann DuBay (Joinder Dkt. No. 2930)

Indispensable Party: Jacob Olsan (Joinder Dkt. No. 2930)

Indispensable Party: The Jeremy L. Olsan and Ann M. DuBay Trust Dated November 29, 2011 (Joinder Dkt. No. 2930)

Heirs of decedent Monte Kirven (Kathleen Groppe, Ken Kirven and Brian Kirven) (Joinder Dkt. No. 2930)

Indispensable Party: Kathleen Groppe (Joinder Dkt. No. 2930)

Indispensable Party: Ken Kirven (Joinder Dkt. No. 2930)

Indispensable Party: Brian Kirven (Joinder Dkt. No. 2930)

1 Indispensable Party: The Estate of Monte Kirven (Joinder Dkt. No. 2930)
2 Don Louis Kamprath (Joinder Dkt. No. 2942)
3 Indispensable Party: Ruth Kamprath (Joinder Dkt. No. 2942)
4 Indispensable Party: The Donald L. Kamprath and Ruth Johnson Kamprath Revocable
5 Trust (Joinder Dkt. No. 2942)
6 Elizabeth Fourkas (Joinder Dkt. No. 2942)
7 Indispensable Party: Pete Fourkas (Joinder Dkt. No. 2942)
8 Indispensable Party: Alissa Fourkas (Joinder Dkt. No. 2942)
9 Indispensable Party: The Fourkas Family Trust (Joinder Dkt. No. 2942)
10 Greg Wilson (Joinder Dkt. No. 2942)
11 Christina Wilson (Joinder Dkt. No. 2942)
12 Armando A. Berriz (Joinder Dkt. No. 2943)
13 Heirs of Carmen Caldentey Berriz (Armando J. Berriz, Carmen T. Meissner, Monica Berriz)
14 (Joinder Dkt. No. 2943)
15 Indispensable Party: The Estate of Carmen Caldentey Berriz (Joinder Dkt. No. 2943)
16 Indispensable Party: Armando J. Berriz (Joinder Dkt. No. 2943)
17 Indispensable Party: Carmen T. Meissner (Joinder Dkt. No. 2943)
18 Indispensable Party: Monica Berriz (Joinder Dkt. No. 2943)
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EXHIBIT B

Preference Plaintiffs Identified in Joinder of Singleton Law Firm Victim Claimants (Dkt. No. 3067)

Thomas Milton Howard
Catherine Maffioli
Glenda Samson
Barbara Spengler
Evelyn Venturi

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COURT SERVICE LIST

ECF Recipients Only.

EXHIBIT 3



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2 Cecily A. Dumas (SBN 111449)
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9 Email: cdumas@bakerlaw.com

Signed and Filed: August 21, 2019

DENNIS MONTALI
U.S. Bankruptcy Judge

6 Eric E. Sagerman (SBN 155496)
7 Lauren T. Attard (SBN 320898)
8 BAKER & HOSTETLER LLP
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11 Los Angeles, CA 90025
12 Telephone: 310.820.8800
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15 Email: lattard@bakerlaw.com

Counsel for Official Committee of Tort Claimants

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION

-and-

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

**All papers shall be filed in the Lead Case,
No. 19-30088 (DM)*

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

**ORDER GRANTING THE MOTION OF
THE OFFICIAL COMMITTEE OF
TORT CLAIMANTS FOR RELIEF
FROM AUTOMATIC STAY**

The Official Committee of Tort Claimants (the “**TCC**”), on July 2, 2019, filed a motion (the “**Motion**”) (Dkt. No. 2842),¹ pursuant to section 362(d)(1) of title 11 of the United States Code (the “**Bankruptcy Code**”), sections 1334(c) and 1452(b) of title 28, Rules 4001 and 5011(b) of the Federal Rules of Bankruptcy Procedure and Rule 4004-1 of the Bankruptcy Local Rules for the United States District Court for the Northern District of California for entry of an order terminating the automatic stay to permit certain individuals to proceed to a jury trial on their personal injury and property damage claims against the Debtors arising from the 2017 Tubbs Fire in the California Superior Court, and to request the Court in the California North Bay Fire Cases, JCCP 4955, to order the claims of those individuals to proceed to a jury trial with preference pursuant to Code of Civil Procedure section 36. On July 9, 2019, the TCC filed an amendment to the Motion to include a number of individuals with personal injury, wrongful death and property damage claims, as listed on **Exhibit A** hereto (the “**Tubbs Preference Plaintiffs**”) (Dkt. No. 2904).

The following joinders were filed to the Motion: (1) the joinder by Co-Lead Counsel to the North Bay Fire Cases, dated July 2, 2019 (Dkt. No. 2850); (2) the joinder by Barbara Thompson, John Thompson, Matthew Thompson, Peter Thompson, Raymond Breitenstein, and Stephen Breitenstein, dated July 3, 2019 (Dkt. No. 2861); (3) the joinder by John Caslin and Phyllis Lowe, dated July 11, 2019 (Dkt. No. 2929); (4) the joinder by William Edelen, Roxanne Edelen, The William L. Edelen and Roxanne G. Edelen Trust Agreement Dated June 22, 2011, Burton Fohrman, Raleigh Fohrman, The Fohrman Family Trust Dated February 3, 1976, Jeremy Olsan, Ann DuBay, Jacob Olsan, the Jeremy L. Olsan and Ann M. DuBay Trust Dated November 29, 2011, Kathleen Groppe, Ken Kirven, Brian Kirven, and the Estate of Monte Kirven, dated July 11, 2019 (Dkt. No. 2930); (5) the joinder by Don Louis Kamprath, Ruth Kamprath, the Donald L. Kamprath and Ruth Johnson Kamprath Revocable Trust, Elizabeth Fourkas, Pete Fourkas, Alissa Fourkas, the Fourkas Family Trust, Greg Wilson, and Christina Wilson, dated July 11, 2019 (Dkt. No. 2942); (7) the joinder by Armando A. Berriz, Armando J. Berriz, Carmen T. Meissner, Monica Berriz, and the Estate of Carmen Caldentey Berriz, dated July 11, 2019 (Dkt. No. 2943); and (8) the joinder by the

¹ Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Motion.

1 Singleton Law Firm Victim Claimants, dated July 18, 2019, to add the individuals listed on
2 **Exhibit B** hereto (Dkt. No. 3067).

3 The Ad Hoc Group of Subrogation Claim Holders², on July 3, 2019, filed a Motion for
4 Relief from the Automatic Stay, dated July 3, 2019 (the “**Subrogation Motion**”) (Dkt. No. 2863).
5 The following joinders were filed to the Subrogation Motion: (1) the joinder filed on behalf of
6 AMICA Mutual Insurance Company, BG Resolution Partners I-A, L.L.C. (an Affiliate of The
7 Baupost Group, L.L.C.), Encompass Insurance Company, Fire Insurance Exchange, Hartford
8 Accident & Indemnity Company, Liberty Insurance Corporation, Mercury Insurance, Nationwide
9 Mutual Insurance Company, and United Services Automobile Association, dated July 12, 2019
10 (Dkt. No. 2959) (the “**July 12 Joinder**”); and (2) the joinder by State Farm Mutual Automobile
11 Insurance Company and its affiliates and subsidiaries, dated July 15, 2019 (Dkt. No. 2983) (the
12 “**July 15 Joinder**”). The parties to the July 12 Joinder and the July 15 Joinder are collectively
13 referred to herein as the “**Subrogation Joining Parties.**”

14 On July 19, 2019, the following papers were filed in opposition to the Motion and the
15 Subrogation Motion: (1) the Debtors filed an objection (Dkt. No. 3104) and the declaration of
16 Kevin J. Orsini in support thereof (Dkt. No. 3105); (2) the Official Committee of Unsecured
17 Creditors filed an objection (Dkt. No. 3101) and the declaration of Thomas R. Kreller in support
18 thereof (Dkt. No. 3102); (3) the Ad Hoc Committee of Senior Unsecured Noteholders filed a joinder
19 to the Official Committee of Unsecured Creditors’ objection (Dkt. No 3106); and (4) certain PG&E
20 shareholders filed an objection (Dkt. No. 3108).

21 On August 7, 2019, Barbara Thompson, John Thompson, Matthew Thompson, Peter
22 Thompson, Raymond Breitenstein and Stephen Breitenstein filed a reply in support of their joinder
23 in the Motion (Dkt. No. 3407), Sonoma Clean Power Authority filed a statement and a reservation
24 of rights on the Motion and the Subrogation Motion (Dkt. No. 3415), and the Singleton Law Firm
25 Victim Claimants filed a response in support of the Motion (Dkt. No. 3449).

26 _____
27 ² The Ad Hoc Group of Subrogation Claim Holders includes all of the members listed on Exhibit A to the Third
28 Amended Verified Statement of the Ad Hoc Group of Subrogation Claim Holders filed on July 17, 2019 (Dkt. No. 3020).

On August 14, 2019, the Court held a hearing on the Motion, the Subrogation Motion, and the joinders thereto. The Court considered the Motion, the declarations of Steven M. Campora, Robert A. Julian, and Brent C. Williams, the amended declaration of Michael A. Kelly, the joinders to the Motion, the replies in support of the Motion, the Subrogation Motion, the declaration of Benjamin P. McCallen, the joinders to the Subrogation Motion, the oppositions of the Debtors, the Official Committee of Unsecured Creditors, the Ad Hoc Committee of Senior Unsecured Noteholders, and the PG&E shareholders, and the declarations of Kevin J. Orsini and Thomas R. Kreller. On August 16, 2019, the Court issued its Decision Regarding Motions for Relief from Stay (“**Memorandum Decision**”) (Dkt. No. 3571).

Now therefore, the Court having considered the papers and the argument of counsel at the hearing, and for the reasons stated in the Memorandum Decision, **IT IS HEREBY ORDERED THAT:**

1. The Motion and the joinders thereto are granted and the automatic stay is terminated as to the alleged preference plaintiffs listed on Exhibits A and B hereto, to take any actions necessary or appropriate to prosecute their claims against the Debtors arising solely from the 2017 Tubbs Fire as set forth in the Complaints against the Debtors, attached to the Motion, and as may be amended, to judgment, and to request the California Superior Court in the California North Bay Fire Cases, JCCP 4955, to order the Tubbs Preference Plaintiffs’ claims to trial with preference pursuant to Code of Civil Procedure section 36.

2. The automatic stay shall remain in full force and effect for all other purposes including with respect to the enforcement of any judgment that may be obtained by reason of the termination of the automatic stay as provided above.

3. Notwithstanding Bankruptcy Rule 4001(a)(3), or any other Bankruptcy Rule, this Order shall be immediately effective and enforceable upon its entry.

4. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

**** END OF ORDER ****

- 4 -

EXHIBIT A

Alleged Tubbs Preference Plaintiffs Identified in the Motion and Alleged Indispensable Parties Thereto

Barbara Thompson (Joinder Dkt. No. 2861)

Indispensable Party: John Thompson (Joinder Dkt. No. 2861)

Indispensable Party: Matthew Thompson (Joinder Dkt. No. 2861)

Indispensable Party: Peter Thompson (Joinder Dkt. No. 2861)

Raymond Breitenstein (Joinder Dkt. No. 2861)

Indispensable Party: Stephen Breitenstein (Joinder Dkt. No. 2861)

John Caslin (Joinder Dkt. No. 2929)

Phyllis Lowe (Joinder Dkt. No. 2929)

William Edelen (Joinder Dkt. No. 2930)

Indispensable Party: Roxanne Edelen (Joinder Dkt. No. 2930)

Indispensable Party: The William L. Edelen and Roxanne G. Edelen Trust Agreement Dated June 22, 2011 (Joinder Dkt. No. 2930)

Burton Fohrman (Joinder Dkt. No. 2930)

Indispensable Party: Raleigh Fohrman (Joinder Dkt. No. 2930)

Indispensable Party: The Fohrman Family Trust Dated February 3, 1976 (Joinder Dkt. No. 2930)

Indispensable Party: Jeremy Olsan (Joinder Dkt. No. 2930)

Indispensable Party: Ann DuBay (Joinder Dkt. No. 2930)

Indispensable Party: Jacob Olsan (Joinder Dkt. No. 2930)

Indispensable Party: The Jeremy L. Olsan and Ann M. DuBay Trust Dated November 29, 2011 (Joinder Dkt. No. 2930)

Heirs of decedent Monte Kirven (Kathleen Groppe, Ken Kirven and Brian Kirven) (Joinder Dkt. No. 2930)

Indispensable Party: Kathleen Groppe (Joinder Dkt. No. 2930)

Indispensable Party: Ken Kirven (Joinder Dkt. No. 2930)

Indispensable Party: Brian Kirven (Joinder Dkt. No. 2930)

Indispensable Party: The Estate of Monte Kirven (Joinder Dkt. No. 2930)

1 Don Louis Kamprath (Joinder Dkt. No. 2942)

2 Indispensable Party: Ruth Kamprath (Joinder Dkt. No. 2942)

3 Indispensable Party: The Donald L. Kamprath and Ruth Johnson Kamprath Revocable
4 Trust (Joinder Dkt. No. 2942)

5 Elizabeth Fourkas (Joinder Dkt. No. 2942)

6 Indispensable Party: Pete Fourkas (Joinder Dkt. No. 2942)

7 Indispensable Party: Alissa Fourkas (Joinder Dkt. No. 2942)

8 Indispensable Party: The Fourkas Family Trust (Joinder Dkt. No. 2942)

9 Greg Wilson (Joinder Dkt. No. 2942)

10 Christina Wilson (Joinder Dkt. No. 2942)

11 Armando A. Berriz (Joinder Dkt. No. 2943)

12 Heirs of Carmen Caldentey Berriz (Armando J. Berriz, Carmen T. Meissner, Monica Berriz)
13 (Joinder Dkt. No. 2943)

14 Indispensable Party: The Estate of Carmen Caldentey Berriz (Joinder Dkt. No. 2943)

15 Indispensable Party: Armando J. Berriz (Joinder Dkt. No. 2943)

16 Indispensable Party: Carmen T. Meissner (Joinder Dkt. No. 2943)

17 Indispensable Party: Monica Berriz (Joinder Dkt. No. 2943)

Exhibit B

Preference Plaintiffs Identified in Joinder of Singleton Law Firm Victim Claimants (Dkt. No. 3067)

Thomas Milton Howard

Catherine Maffioli

Glenda Samson

Barbara Spengler

Evelyn Venturi

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